IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6822 OF 2006

Meenakshi Dattatraya Koli. ...Petitioner

V/s.

State of Maharashtra & Ors. ...Respondents

Shri R.K. Mendadkar for the Petitioner.

Shri V.P. Malvankar, Assistant Government Pleader, for the Respondents.

CORAM : H.S. BEDI, C.J., &
V.M. KANADE, J.

DATED : NOVEMBER 7, 2006.

P.C. :-

1. Mentioned, not on board. Upon mentioning, taken on record.

2. The matter is before the Court for Speaking to the Minutes of Order dated 16th October, 2006.

3. The learned Counsel for the petitioner submits that even though the decision is correct, the reasons for

its making have not been given. We substitute the same by the following reasoned order :-

4. We have heard the learned Counsel for the parties and perused the pleadings.

5. We observe that Shri D.R. Chaudhari was, at the relevant time, holding a substantive post of Law Officer and not that of Member Secretary of the Scrutiny Committee. As per Government Notification dated 4th June, 2006, Item No.4, when read along with Rule 9 of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of Certificate) Rules, 2003, the Member Secretary must be a Member of the Scrutiny Committee under all circumstances. It is clearly stated in the reply that Shri M.S. Deore, who was a Member Secretary, was on Medical Leave with effect from 31st December, 2005 and, therefore, Shri D.R. Chaudhari, who was a Law Officer, was given the additional charge of Member Secretary while holding the post of Law Officer as well. We thus find that the Committee was not properly

constituted. We therefore, quash the impugned Order dated 19th April, 2006 at Exhibit "A" to the petition with liberty to the respondents to pass a fresh order in accordance with law as expeditiously as possible. Ipso facto, the selection of the petitioner with the Respondent No.3 shall not be cancelled.

6. We also observe that no issue on the merits of the controversy has been raised by the learned Counsel for the parties and all issues are therefore kept open.

. The petition is accordingly disposed of.

CHIEF JUSTICE

V.M. KANADE, J.